

REMARKS

This Amendment is being filed in response to the Final Office Action mailed August 9, 2007, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

By means of the present amendment, claims 3-4 and 8-10 have been amended for non-statutory reasons. Claims 3-4 and 8-10 were not amended in order to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

In the Final Office Action, claims 1-8 and 10-18 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent Publication No. 2001/0054001 (Robinson) in view of U.S. Patent No. 6,698,020 (Zigmond). Further, claim 9 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Robinson in view of Zigmond and an article entitled "An Agent-based Market Supporting Multiple Auction Protocols, Workshop on Agents for Electronic Commerce and Managing the Internet-Enabled Supply Chain," Third International

Conference on AUTONOMOUS AGENTS (Agents '99) in Seattle, Washington (USA), May 1-5, 1999, p1-4 (Vetter). It is respectfully submitted that claims 1-18 are patentable over Robinson, Zigmond and Vetter for at least the following reasons.

Robinson is directed towards a system for targeting advertisements on an Internet website or computer. Robinson uses ad-targeting agents for bidding to display a particular ad on a website or computer.

Zigmond is directed towards a system for selecting and inserting advertisements into a video programming feed at the household level. An advertisement is selected for display to a viewer according to a selection criteria, such as demographic and geographic data as well as viewing habits, combined with viewer and system information.

It is respectfully submitted that Robinson, Zigmond, and combination thereof, do not disclose or suggest the present invention as recited in independent claims 1-2, 11-12, 16 and 18, which requires (illustrative emphasis provided):

wherein the bid is based on whether the commercial has been played previously.

Basing the bid on whether the commercial has been played previously is nowhere taught or suggested in Robinson and Zigmond, alone or in combination. Vetter is cited in rejecting depending claim 9 to allegedly show other features and does not remedy the deficiencies in Robinson and Zigmond.

Accordingly, it is respectfully requested that independent claims 1-2, 11-12, 16 and 18 be allowed. In addition, as claims 3-10, 13-15, 17 and 19-30 depend from independent claims 1-2 and 11-12, Applicants respectfully request that claims 3-10, 13-15, 17 and 19-30 also be allowed.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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